

# Senate File 475 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1324)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to and making appropriations to the justice  
2 system, and including effective and retroactive applicability  
3 date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1005SV 83  
6 jm/jp/24

PAG LIN

1 1 Section 1. DEPARTMENT OF JUSTICE.  
1 2 1. There is appropriated from the general fund of the  
1 3 state to the department of justice for the fiscal year  
1 4 beginning July 1, 2009, and ending June 30, 2010, the  
1 5 following amounts, or so much thereof as is necessary, to be  
1 6 used for the purposes designated:  
1 7 a. For the general office of attorney general for  
1 8 salaries, support, maintenance, and miscellaneous purposes,  
1 9 including the prosecuting attorneys training program, victim  
1 10 assistance grants, office of drug control policy (ODCP)  
1 11 prosecuting attorney program, and odometer fraud enforcement,  
1 12 and for not more than the following full-time equivalent  
1 13 positions:  
1 14 ..... \$ 8,592,145  
1 15 ..... FTEs 232.50  
1 16 It is the intent of the general assembly that as a  
1 17 condition of receiving the appropriation provided in this  
1 18 lettered paragraph, the department of justice shall maintain a  
1 19 record of the estimated time incurred representing each agency  
1 20 or department.  
1 21 b. For victim assistance grants:  
1 22 ..... \$ 2,400,000  
1 23 The funds appropriated in this lettered paragraph shall be  
1 24 used to provide grants to care providers providing services to  
1 25 crime victims of domestic abuse or to crime victims of rape  
1 26 and sexual assault.  
1 27 The balance of the victim compensation fund established in  
1 28 section 915.94 may be used to provide salary and support of  
1 29 not more than 22 FTEs and to provide maintenance for the  
1 30 victim compensation functions of the department of justice.  
1 31 The department of justice may transfer moneys from the  
1 32 victim compensation fund established in section 915.94 to the  
1 33 victim assistance grant program.  
1 34 c. For legal services for persons in poverty grants as  
1 35 provided in section 13.34:  
2 1 ..... \$ 1,954,634  
2 2 2. a. The department of justice, in submitting budget  
2 3 estimates for the fiscal year commencing July 1, 2010,  
2 4 pursuant to section 8.23, shall include a report of funding  
2 5 from sources other than amounts appropriated directly from the  
2 6 general fund of the state to the department of justice or to  
2 7 the office of consumer advocate. These funding sources shall  
2 8 include but are not limited to reimbursements from other state  
2 9 agencies, commissions, boards, or similar entities, and  
2 10 reimbursements from special funds or internal accounts within  
2 11 the department of justice. The department of justice shall  
2 12 also report actual reimbursements for the fiscal year  
2 13 commencing July 1, 2008, and actual and expected  
2 14 reimbursements for the fiscal year commencing July 1, 2009.  
2 15 b. The department of justice shall include the report

2 16 required under paragraph "a", as well as information regarding  
 2 17 any revisions occurring as a result of reimbursements actually  
 2 18 received or expected at a later date, in a report to the co=  
 2 19 chairpersons and ranking members of the joint appropriations  
 2 20 subcommittee on the justice system and the legislative  
 2 21 services agency. The department of justice shall submit the  
 2 22 report on or before January 15, 2010.  
 2 23 c. The department shall cooperate with the auditor of  
 2 24 state in preparing a report detailing recommendations for  
 2 25 reimbursement moneys, including recommendations for  
 2 26 appropriating such reimbursement moneys. The auditor of state  
 2 27 shall provide the report to the co-chairpersons and ranking  
 2 28 members of the joint appropriations subcommittee on the  
 2 29 justice system, the legislative services agency, and the  
 2 30 department of management by December 15, 2009.  
 2 31 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is  
 2 32 appropriated from the general fund of the state to the office  
 2 33 of consumer advocate of the department of justice for the  
 2 34 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
 2 35 the following amount, or so much thereof as is necessary, to  
 3 1 be used for the purposes designated:  
 3 2 For salaries, support, maintenance, miscellaneous purposes,  
 3 3 and for not more than the following full-time equivalent  
 3 4 positions:  
 3 5 ..... \$ 2,809,606  
 3 6 ..... FTEs 27.00  
 3 7 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.  
 3 8 1. There is appropriated from the general fund of the  
 3 9 state to the department of corrections for the fiscal year  
 3 10 beginning July 1, 2009, and ending June 30, 2010, the  
 3 11 following amounts, or so much thereof as is necessary, to be  
 3 12 used for the purposes designated:  
 3 13 For the operation of adult correctional institutions,  
 3 14 reimbursement of counties for certain confinement costs, and  
 3 15 federal prison reimbursement, to be allocated as follows:  
 3 16 a. For the operation of the Fort Madison correctional  
 3 17 facility, including salaries, support, maintenance, and  
 3 18 miscellaneous purposes:  
 3 19 ..... \$ 41,114,692  
 3 20 As a condition of receiving an appropriation in this  
 3 21 lettered paragraph, the department of corrections shall  
 3 22 operate the John Bennett facility either as an institution of  
 3 23 the department or a community-based correctional facility.  
 3 24 b. For the operation of the Anamosa correctional facility,  
 3 25 including salaries, support, maintenance, and miscellaneous  
 3 26 purposes:  
 3 27 ..... \$ 31,413,895  
 3 28 It is the intent of the general assembly that the  
 3 29 department of corrections fully operate the Luster Heights  
 3 30 facility at the facility's 88-bed capacity.  
 3 31 As a condition of the funds appropriated in this lettered  
 3 32 paragraph, the department of corrections shall replace expired  
 3 33 federal funding by expending at least \$238,252 for  
 3 34 continuation of a treatment program that prepares offenders  
 3 35 for on-going therapeutic treatment programs offered by the  
 4 1 department and maintaining at least 4.75 full-time equivalent  
 4 2 positions for the program.  
 4 3 Moneys are provided within this appropriation for one full=  
 4 4 time substance abuse counselor for the Luster Heights facility  
 4 5 for the purpose of certification of a substance abuse program  
 4 6 at that facility.  
 4 7 c. For the operation of the Oakdale correctional facility,  
 4 8 including salaries, support, maintenance, and miscellaneous  
 4 9 purposes:  
 4 10 ..... \$ 58,646,095  
 4 11 d. For the operation of the Newton correctional facility,  
 4 12 including salaries, support, maintenance, and miscellaneous  
 4 13 purposes:  
 4 14 ..... \$ 28,033,393  
 4 15 e. For the operation of the Mt. Pleasant correctional  
 4 16 facility, including salaries, support, maintenance, and  
 4 17 miscellaneous purposes:  
 4 18 ..... \$ 27,216,182  
 4 19 f. For the operation of the Rockwell City correctional  
 4 20 facility, including salaries, support, maintenance, and  
 4 21 miscellaneous purposes:  
 4 22 ..... \$ 9,392,186  
 4 23 g. For the operation of the Clarinda correctional  
 4 24 facility, including salaries, support, maintenance, and  
 4 25 miscellaneous purposes:  
 4 26 ..... \$ 23,421,051

4 27 Moneys received by the department of corrections as  
 4 28 reimbursement for services provided to the Clarinda youth  
 4 29 corporation are appropriated to the department and shall be  
 4 30 used for the purpose of operating the Clarinda correctional  
 4 31 facility.  
 4 32 h. For the operation of the Mitchellville correctional  
 4 33 facility, including salaries, support, maintenance, and  
 4 34 miscellaneous purposes:  
 4 35 ..... \$ 15,836,794  
 5 1 i. For the operation of the Fort Dodge correctional  
 5 2 facility, including salaries, support, maintenance, and  
 5 3 miscellaneous purposes:  
 5 4 ..... \$ 29,999,036  
 5 5 j. For reimbursement of counties for temporary confinement  
 5 6 of work release and parole violators, as provided in sections  
 5 7 901.7, 904.908, and 906.17, and for offenders confined  
 5 8 pursuant to section 904.513:  
 5 9 ..... \$ 861,213  
 5 10 k. For federal prison reimbursement, reimbursements for  
 5 11 out-of-state placements, and miscellaneous contracts:  
 5 12 ..... \$ 239,411  
 5 13 2. The department of corrections shall use funds  
 5 14 appropriated in subsection 1 to continue to contract for the  
 5 15 services of a Muslim imam.  
 5 16 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.  
 5 17 1. There is appropriated from the general fund of the  
 5 18 state to the department of corrections for the fiscal year  
 5 19 beginning July 1, 2009, and ending June 30, 2010, the  
 5 20 following amounts, or so much thereof as is necessary, to be  
 5 21 used for the purposes designated:  
 5 22 a. For general administration, including salaries,  
 5 23 support, maintenance, employment of an education director to  
 5 24 administer a centralized education program for the  
 5 25 correctional system, and miscellaneous purposes:  
 5 26 ..... \$ 4,810,048  
 5 27 (1) It is the intent of the general assembly that as a  
 5 28 condition of receiving the appropriation provided in this  
 5 29 lettered paragraph the department of corrections shall not,  
 5 30 except as otherwise provided in subparagraph (3), enter into a  
 5 31 new contract, unless the contract is a renewal of an existing  
 5 32 contract, for the expenditure of moneys in excess of \$100,000  
 5 33 during the fiscal year beginning July 1, 2009, for the  
 5 34 privatization of services performed by the department using  
 5 35 state employees as of July 1, 2009, or for the privatization  
 6 1 of new services by the department without prior consultation  
 6 2 with any applicable state employee organization affected by  
 6 3 the proposed new contract and prior notification of the co=  
 6 4 chairpersons and ranking members of the joint appropriations  
 6 5 subcommittee on the justice system.  
 6 6 (2) It is the intent of the general assembly that each  
 6 7 lease negotiated by the department of corrections with a  
 6 8 private corporation for the purpose of providing private  
 6 9 industry employment of inmates in a correctional institution  
 6 10 shall prohibit the private corporation from utilizing inmate  
 6 11 labor for partisan political purposes for any person seeking  
 6 12 election to public office in this state and that a violation  
 6 13 of this requirement shall result in a termination of the lease  
 6 14 agreement.  
 6 15 (3) It is the intent of the general assembly that as a  
 6 16 condition of receiving the appropriation provided in this  
 6 17 lettered paragraph the department of corrections shall not  
 6 18 enter into a lease or contractual agreement pursuant to  
 6 19 section 904.809 with a private corporation for the use of  
 6 20 building space for the purpose of providing inmate employment  
 6 21 without providing that the terms of the lease or contract  
 6 22 establish safeguards to restrict, to the greatest extent  
 6 23 feasible, access by inmates working for the private  
 6 24 corporation to personal identifying information of citizens.  
 6 25 b. For educational programs for inmates at state penal  
 6 26 institutions:  
 6 27 ..... \$ 1,558,109  
 6 28 As a condition of receiving the appropriation in this  
 6 29 lettered paragraph, the department of corrections shall  
 6 30 transfer at least \$300,000 from the canteen operating funds  
 6 31 established pursuant to section 904.310 to be used for  
 6 32 correctional educational programs funded in this lettered  
 6 33 paragraph.  
 6 34 It is the intent of the general assembly that moneys  
 6 35 appropriated in this lettered paragraph shall be used solely  
 7 1 for the purpose indicated and that the moneys shall not be  
 7 2 transferred for any other purpose. In addition, it is the

7 3 intent of the general assembly that the department shall  
 7 4 consult with the community colleges in the areas in which the  
 7 5 institutions are located to utilize moneys appropriated in  
 7 6 this lettered paragraph to fund the high school completion,  
 7 7 high school equivalency diploma, adult literacy, and adult  
 7 8 basic education programs in a manner so as to maintain these  
 7 9 programs at the institutions.  
 7 10 To maximize the funding for educational programs, the  
 7 11 department shall establish guidelines and procedures to  
 7 12 prioritize the availability of educational and vocational  
 7 13 training for inmates based upon the goal of facilitating an  
 7 14 inmate's successful release from the correctional institution.  
 7 15 The director of the department of corrections may transfer  
 7 16 moneys from Iowa prison industries for use in educational  
 7 17 programs for inmates.  
 7 18 Notwithstanding section 8.33, moneys appropriated in this  
 7 19 lettered paragraph that remain unobligated or unexpended at  
 7 20 the close of the fiscal year shall not revert but shall remain  
 7 21 available for expenditure only for the purpose designated in  
 7 22 this lettered paragraph until the close of the succeeding  
 7 23 fiscal year.  
 7 24 c. For the development of the Iowa corrections offender  
 7 25 network (ICON) data system:  
 7 26 ..... \$ 424,364  
 7 27 d. For offender mental health and substance abuse  
 7 28 treatment:  
 7 29 ..... \$ 24,799  
 7 30 e. For viral hepatitis prevention and treatment:  
 7 31 ..... \$ 186,534  
 7 32 2. It is the intent of the general assembly that the  
 7 33 department of corrections shall continue to operate the  
 7 34 correctional farms under the control of the department at the  
 7 35 same or greater level of participation and involvement as  
 8 1 existed as of January 1, 2009; shall not enter into any rental  
 8 2 agreement or contract concerning any farmland under the  
 8 3 control of the department that is not subject to a rental  
 8 4 agreement or contract as of January 1, 2009, without prior  
 8 5 legislative approval; and shall further attempt to provide job  
 8 6 opportunities at the farms for inmates. The department shall  
 8 7 attempt to provide job opportunities at the farms for inmates  
 8 8 by encouraging labor-intensive farming or gardening where  
 8 9 appropriate; using inmates to grow produce and meat for  
 8 10 institutional consumption; researching the possibility of  
 8 11 instituting food canning and cook-and-chill operations; and  
 8 12 exploring opportunities for organic farming and gardening,  
 8 13 livestock ventures, horticulture, and specialized crops.  
 8 14 3. The department of corrections shall provide a smoking  
 8 15 cessation program to offenders committed to the custody of the  
 8 16 director or who are otherwise detained by the department, that  
 8 17 complies with legislation enacted restricting or prohibiting  
 8 18 smoking on the grounds of correctional institutions.  
 8 19 4. As a condition of receiving the appropriations made in  
 8 20 this section, the department of corrections shall develop and  
 8 21 implement offender reentry centers in Black Hawk and Polk  
 8 22 counties to provide transitional planning and release  
 8 23 primarily for offenders released from the Iowa correctional  
 8 24 institution for women at Mitchellville and the Fort Dodge  
 8 25 correctional facility. Programming shall include minority and  
 8 26 gender-specific responsiveness, employment, substance abuse  
 8 27 treatment, mental health services, housing, and family  
 8 28 reintegration. The department of corrections shall  
 8 29 collaborate with the first and fifth judicial district  
 8 30 departments of correctional services, the Iowa department of  
 8 31 workforce development, the department of human services,  
 8 32 community-based providers and faith-based organizations, and  
 8 33 local law enforcement.  
 8 34 5. The chief security officer position within the  
 8 35 department of corrections shall be eliminated by June 30,  
 9 1 2011.  
 9 2 6. The department of corrections shall study the use of  
 9 3 paramedics at correctional institutions, and file a report  
 9 4 with the chairpersons and ranking members of the joint  
 9 5 appropriations subcommittee on the justice system and the  
 9 6 legislative services agency, detailing the study by January  
 9 7 15, 2010.  
 9 8 7. The department of corrections shall implement a  
 9 9 centralized pharmacy during the fiscal year beginning July 1,  
 9 10 2009, and file a report with the chairpersons and ranking  
 9 11 members of the joint appropriations subcommittee on the  
 9 12 justice system and the legislative services agency. The  
 9 13 department shall submit the report by September 1, 2010.

9 14 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
 9 15 SERVICES.  
 9 16 1. There is appropriated from the general fund of the  
 9 17 state to the department of corrections for the fiscal year  
 9 18 beginning July 1, 2009, and ending June 30, 2010, for the  
 9 19 treatment and supervision of probation and parole violators  
 9 20 who have been released from the department of corrections  
 9 21 violator program, the following amounts, or so much thereof as  
 9 22 is necessary, to be allocated as follows:  
 9 23 a. For the first judicial district department of  
 9 24 correctional services:  
 9 25 ..... \$ 12,883,094  
 9 26 As a condition of the funds appropriated in this lettered  
 9 27 paragraph, the department of corrections shall replace expired  
 9 28 federal funding by expending at least \$140,000 for the dual  
 9 29 diagnosis program and maintaining 1.25 full-time equivalent  
 9 30 positions for the program.  
 9 31 b. For the second judicial district department of  
 9 32 correctional services:  
 9 33 ..... \$ 10,843,473  
 9 34 c. For the third judicial district department of  
 9 35 correctional services:  
 10 1 ..... \$ 5,718,746  
 10 2 d. For the fourth judicial district department of  
 10 3 correctional services:  
 10 4 ..... \$ 5,436,248  
 10 5 e. For the fifth judicial district department of  
 10 6 correctional services, including funding for electronic  
 10 7 monitoring devices for use on a statewide basis:  
 10 8 ..... \$ 18,958,665  
 10 9 As a condition of receiving the appropriation in this  
 10 10 lettered paragraph, the fifth judicial district department of  
 10 11 correctional services shall reinstate 67 beds in buildings 65  
 10 12 and 66 at the fort Des Moines facility and resume operating  
 10 13 the buildings, in addition to maintaining the 199 beds in  
 10 14 buildings 68 and 70 at the fort Des Moines facility. The  
 10 15 district department may use inmate labor to upgrade and  
 10 16 renovate the buildings, if renovation and updating are  
 10 17 required.  
 10 18 f. For the sixth judicial district department of  
 10 19 correctional services:  
 10 20 ..... \$ 13,417,533  
 10 21 g. For the seventh judicial district department of  
 10 22 correctional services:  
 10 23 ..... \$ 6,995,044  
 10 24 h. For the eighth judicial district department of  
 10 25 correctional services:  
 10 26 ..... \$ 6,919,964  
 10 27 2. Each judicial district department of correctional  
 10 28 services, within the funding available, shall continue  
 10 29 programs and plans established within that district to provide  
 10 30 for intensive supervision, sex offender treatment, diversion  
 10 31 of low-risk offenders to the least restrictive sanction  
 10 32 available, job development, and expanded use of intermediate  
 10 33 criminal sanctions.  
 10 34 3. Each judicial district department of correctional  
 11 1 services shall provide alternatives to prison consistent with  
 11 2 chapter 901B. The alternatives to prison shall ensure public  
 11 3 safety while providing maximum rehabilitation to the offender.  
 11 4 A judicial district department of correctional services may  
 11 5 also establish a day program.  
 11 6 4. The governor's office of drug control policy shall  
 11 7 consider federal grants made to the department of corrections  
 11 8 for the benefit of each of the eight judicial district  
 11 9 departments of correctional services as local government  
 11 10 grants, as defined pursuant to federal regulations.  
 11 11 5. The department of corrections shall continue to  
 11 12 contract with a judicial district department of correctional  
 11 13 services to provide for the rental of electronic monitoring  
 11 14 equipment which shall be available statewide.  
 11 15 6. A judicial district department of correctional services  
 11 16 shall accept into the facilities of the district department,  
 11 17 offenders assigned from other judicial district departments of  
 11 18 correctional services.  
 11 19 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF  
 11 20 APPROPRIATIONS. Notwithstanding section 8.39, within the  
 11 21 funds appropriated in this Act to the department of  
 11 22 corrections, the department may reallocate the funds  
 11 23 appropriated and allocated as necessary to best fulfill the  
 11 24 needs of the correctional institutions, administration of the  
 11 25 department, and the judicial district departments of

11 25 correctional services. However, in addition to complying with  
11 26 the requirements of sections 904.116 and 905.8 and providing  
11 27 notice to the legislative services agency, the department of  
11 28 corrections shall also provide notice to the department of  
11 29 management, prior to the effective date of the revision or  
11 30 reallocation of an appropriation made pursuant to this  
11 31 section. The department shall not reallocate an appropriation  
11 32 or allocation for the purpose of eliminating any program.

11 33 Sec. 7. INTENT == REPORTS.

11 34 1. The department in cooperation with townships, the Iowa  
11 35 cemetery associations, and other nonprofit or governmental  
12 1 entities may use inmate labor during the fiscal year beginning  
12 2 July 1, 2009, to restore or preserve rural cemeteries and  
12 3 historical landmarks. The department in cooperation with the  
12 4 counties may also use inmate labor to clean up roads, major  
12 5 water sources, and other water sources around the state.

12 6 2. Each month the department shall provide a status report  
12 7 regarding private-sector employment to the legislative  
12 8 services agency beginning on July 1, 2009. The report shall  
12 9 include the number of offenders employed in the private  
12 10 sector, the combined number of hours worked by the offenders,  
12 11 and the total amount of allowances, and the distribution of  
12 12 allowances pursuant to section 904.702, including any moneys  
12 13 deposited in the general fund of the state.

12 14 Sec. 8. ELECTRONIC MONITORING REPORT. The department of  
12 15 corrections shall submit a report on electronic monitoring to  
12 16 the general assembly, to the co-chairpersons and the ranking  
12 17 members of the joint appropriations subcommittee on the  
12 18 justice system, and to the legislative services agency by  
12 19 January 15, 2010. The report shall specifically address the  
12 20 number of persons being electronically monitored and break  
12 21 down the number of persons being electronically monitored by  
12 22 offense committed. The report shall also include a comparison  
12 23 of any data from the prior fiscal year with the current year.

12 24 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 25 1. As used in this section, unless the context otherwise  
12 26 requires, "state agency" means the government of the state of  
12 27 Iowa, including but not limited to all executive branch  
12 28 departments, agencies, boards, bureaus, and commissions, the  
12 29 judicial branch, the general assembly and all legislative  
12 30 agencies, institutions within the purview of the state board  
12 31 of regents, and any corporation whose primary function is to  
12 32 act as an instrumentality of the state.

12 33 2. State agencies are hereby encouraged to purchase  
12 34 products from Iowa state industries, as defined in section  
12 35 904.802, when purchases are required and the products are  
13 1 available from Iowa state industries. State agencies shall  
13 2 obtain bids from Iowa state industries for purchases of office  
13 3 furniture during the fiscal year beginning July 1, 2009,  
13 4 exceeding \$5,000 or in accordance with applicable  
13 5 administrative rules related to purchases for the agency.

13 6 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated  
13 7 from the general fund of the state to the office of the state  
13 8 public defender of the department of inspections and appeals  
13 9 for the fiscal year beginning July 1, 2009, and ending June  
13 10 30, 2010, the following amounts, or so much thereof as is  
13 11 necessary, to be allocated as follows for the purposes  
13 12 designated:

13 13 1. For salaries, support, maintenance, miscellaneous  
13 14 purposes, and for not more than the following full-time  
13 15 equivalent positions:  
13 16 ..... \$ 21,743,182  
13 17 ..... FTEs 203.00

13 18 2. For the fees of court-appointed attorneys for indigent  
13 19 adults and juveniles, in accordance with section 232.141 and  
13 20 chapter 815:  
13 21 ..... \$ 24,009,163

13 22 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 23 1. There is appropriated from the general fund of the  
13 24 state to the Iowa law enforcement academy for the fiscal year  
13 25 beginning July 1, 2009, and ending June 30, 2010, the  
13 26 following amount, or so much thereof as is necessary, to be  
13 27 used for the purposes designated:

13 28 For salaries, support, maintenance, miscellaneous purposes,  
13 29 including jailer training and technical assistance, and for  
13 30 not more than the following full-time equivalent positions:  
13 31 ..... \$ 1,166,033  
13 32 ..... FTEs 29.55

13 33 It is the intent of the general assembly that the Iowa law  
13 34 enforcement academy may provide training of state and local  
13 35 law enforcement personnel concerning the recognition of and

14 1 response to persons with Alzheimer's disease.  
14 2 The Iowa law enforcement academy may temporarily exceed and  
14 3 draw more than the amount appropriated and incur a negative  
14 4 cash balance as long as there are receivables equal to or  
14 5 greater than the negative balance and the amount appropriated  
14 6 in this subsection is not exceeded at the close of the fiscal  
14 7 year.  
14 8 2. The Iowa law enforcement academy may select at least  
14 9 five automobiles of the department of public safety, division  
14 10 of state patrol, prior to turning over the automobiles to the  
14 11 department of administrative services to be disposed of by  
14 12 public auction, and the Iowa law enforcement academy may  
14 13 exchange any automobile owned by the academy for each  
14 14 automobile selected if the selected automobile is used in  
14 15 training law enforcement officers at the academy. However,  
14 16 any automobile exchanged by the academy shall be substituted  
14 17 for the selected vehicle of the department of public safety  
14 18 and sold by public auction with the receipts being deposited  
14 19 in the depreciation fund to the credit of the department of  
14 20 public safety, division of state patrol.  
14 21 Sec. 12. BOARD OF PAROLE. There is appropriated from the  
14 22 general fund of the state to the board of parole for the  
14 23 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
14 24 the following amount, or so much thereof as is necessary, to  
14 25 be used for the purposes designated:  
14 26 For salaries, support, maintenance, miscellaneous purposes,  
14 27 and for not more than the following full-time equivalent  
14 28 positions:  
14 29 ..... \$ 1,161,399  
14 30 ..... FTEs 18.50  
14 31 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is  
14 32 appropriated from the general fund of the state to the  
14 33 department of public defense for the fiscal year beginning  
14 34 July 1, 2009, and ending June 30, 2010, the following amounts,  
14 35 or so much thereof as is necessary, to be used for the  
15 1 purposes designated:  
15 2 1. MILITARY DIVISION  
15 3 For salaries, support, maintenance, miscellaneous purposes,  
15 4 and for not more than the following full-time equivalent  
15 5 positions:  
15 6 ..... \$ 6,249,201  
15 7 ..... FTEs 313.30  
15 8 The military division may temporarily exceed and draw more  
15 9 than the amount appropriated and incur a negative cash balance  
15 10 as long as there are receivables of federal funds equal to or  
15 11 greater than the negative balance and the amount appropriated  
15 12 in this subsection is not exceeded at the close of the fiscal  
15 13 year.  
15 14 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION  
15 15 For salaries, support, maintenance, miscellaneous purposes,  
15 16 and for not more than the following full-time equivalent  
15 17 positions:  
15 18 ..... \$ 2,038,119  
15 19 ..... FTEs 33.10  
15 20 The homeland security and emergency management division may  
15 21 temporarily exceed and draw more than the amount appropriated  
15 22 and incur a negative cash balance as long as there are  
15 23 receivables of federal funds equal to or greater than the  
15 24 negative balance and the amount appropriated in this  
15 25 subsection is not exceeded at the close of the fiscal year.  
15 26 It is the intent of the general assembly that the homeland  
15 27 security and emergency management division work in conjunction  
15 28 with the department of public safety, to the extent possible,  
15 29 when gathering and analyzing information related to potential  
15 30 domestic or foreign security threats, and when monitoring such  
15 31 threats.  
15 32 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is  
15 33 appropriated from the general fund of the state to the  
15 34 department of public safety for the fiscal year beginning July  
15 35 1, 2009, and ending June 30, 2010, the following amounts, or  
16 1 so much thereof as is necessary, to be used for the purposes  
16 2 designated:  
16 3 1. For the department's administrative functions,  
16 4 including the criminal justice information system, and for not  
16 5 more than the following full-time equivalent positions:  
16 6 ..... \$ 4,391,190  
16 7 ..... FTEs 39.00  
16 8 2. For the division of criminal investigation, including  
16 9 the state's contribution to the peace officers' retirement,  
16 10 accident, and disability system provided in chapter 97A in the  
16 11 amount of the state's normal contribution rate, as defined in

16 12 section 97A.8, multiplied by the salaries for which the funds  
16 13 are appropriated, to meet federal fund matching requirements,  
16 14 and for not more than the following full-time equivalent  
16 15 positions:  
16 16 ..... \$ 21,125,270  
16 17 ..... FTEs 287.50  
16 18 If any of the Indian tribes fail to pay for 1.00 FTE  
16 19 pursuant to the agreements or compacts entered into between  
16 20 the state and the Indian tribes pursuant to section 10A.104,  
16 21 subsection 10, the number of full-time equivalent positions  
16 22 authorized under this subsection is reduced by 1.00 FTE.  
16 23 The department shall employ one additional special agent  
16 24 and one additional criminalist for the purpose of  
16 25 investigating cold cases. Prior to employing the additional  
16 26 special agent and criminalist authorized in this paragraph,  
16 27 the department shall provide a written statement to  
16 28 prospective employees that states to the effect that the  
16 29 positions are being funded by a temporary federal grant and  
16 30 there are no assurances that funds from other sources will be  
16 31 available after the federal funding expires. If the federal  
16 32 funding for the additional positions expires during the fiscal  
16 33 year, the number of full-time equivalent positions authorized  
16 34 in this subsection is reduced by 2.00 FTEs.  
16 35 The department of public safety, with the approval of the  
17 1 department of management, may employ no more than two special  
17 2 agents and four gaming enforcement officers for each  
17 3 additional riverboat or gambling structure regulated after  
17 4 July 1, 2009, and one special agent for each racing facility  
17 5 which becomes operational during the fiscal year which begins  
17 6 July 1, 2009. One additional gaming enforcement officer, up  
17 7 to a total of four per riverboat or gambling structure, may be  
17 8 employed for each riverboat or gambling structure that has  
17 9 extended operations to 24 hours and has not previously  
17 10 operated with a 24-hour schedule. Positions authorized in  
17 11 this paragraph are in addition to the full-time equivalent  
17 12 positions otherwise authorized in this subsection.  
17 13 3. For the criminalistics laboratory fund created in  
17 14 section 691.9:  
17 15 ..... \$ 335,939  
17 16 4. a. For the division of narcotics enforcement,  
17 17 including the state's contribution to the peace officers'  
17 18 retirement, accident, and disability system provided in  
17 19 chapter 97A in the amount of the state's normal contribution  
17 20 rate, as defined in section 97A.8, multiplied by the salaries  
17 21 for which the funds are appropriated, to meet federal fund  
17 22 matching requirements, and for not more than the following  
17 23 full-time equivalent positions:  
17 24 ..... \$ 6,386,274  
17 25 ..... FTEs 81.00  
17 26 b. For the division of narcotics enforcement for  
17 27 undercover purchases:  
17 28 ..... \$ 121,158  
17 29 5. For the division of state fire marshal, for fire  
17 30 protection services as provided through the state fire service  
17 31 and emergency response council as created in the department,  
17 32 and for the state's contribution to the peace officers'  
17 33 retirement, accident, and disability system provided in  
17 34 chapter 97A in the amount of the state's normal contribution  
17 35 rate, as defined in section 97A.8, multiplied by the salaries  
18 1 for which the funds are appropriated, and for not more than  
18 2 the following full-time equivalent positions:  
18 3 ..... \$ 3,988,892  
18 4 ..... FTEs 59.00  
18 5 6. For the division of state patrol, for salaries,  
18 6 support, maintenance, workers' compensation costs, and  
18 7 miscellaneous purposes, including the state's contribution to  
18 8 the peace officers' retirement, accident, and disability  
18 9 system provided in chapter 97A in the amount of the state's  
18 10 normal contribution rate, as defined in section 97A.8,  
18 11 multiplied by the salaries for which the funds are  
18 12 appropriated, and for not more than the following full-time  
18 13 equivalent positions:  
18 14 ..... \$ 50,068,094  
18 15 ..... FTEs 536.00  
18 16 It is the intent of the general assembly that members of  
18 17 the state patrol be assigned to patrol the highways and roads  
18 18 in lieu of assignments for inspecting school buses for the  
18 19 school districts.  
18 20 7. For deposit in the sick leave benefits fund established  
18 21 under section 80.42 for all departmental employees eligible to  
18 22 receive benefits for accrued sick leave under the collective

18 23 bargaining agreement:  
18 24 ..... \$ 310,575  
18 25 8. For costs associated with the training and equipment  
18 26 needs of volunteer fire fighters:  
18 27 ..... \$ 680,421  
18 28 Notwithstanding section 8.33, moneys appropriated in this  
18 29 subsection that remain unencumbered or unobligated at the  
18 30 close of the fiscal year shall not revert but shall remain  
18 31 available for expenditure only for the purpose designated in  
18 32 this subsection until the close of the succeeding fiscal year.  
18 33 Notwithstanding section 8.39, within the funds appropriated  
18 34 in this section the department of public safety may reallocate  
18 35 funds as necessary to best fulfill the needs provided for in  
19 1 the appropriation. However, the department shall not  
19 2 reallocate an appropriation made to the department in this  
19 3 section unless notice of the reallocation is given to the  
19 4 legislative services agency and the department of management  
19 5 prior to the effective date of the reallocation. The notice  
19 6 shall include information about the rationale for reallocating  
19 7 the appropriation. The department shall not reallocate an  
19 8 appropriation made in this section for the purpose of  
19 9 eliminating any program.  
19 10 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated  
19 11 from the general fund of the state to the Iowa state civil  
19 12 rights commission for the fiscal year beginning July 1, 2009,  
19 13 and ending June 30, 2010, the following amount, or so much  
19 14 thereof as is necessary, to be used for the purposes  
19 15 designated:  
19 16 For salaries, support, maintenance, miscellaneous purposes,  
19 17 and for not more than the following full-time equivalent  
19 18 positions:  
19 19 ..... \$ 1,533,179  
19 20 ..... FTEs 29.50  
19 21 The Iowa state civil rights commission may enter into a  
19 22 contract with a nonprofit organization to provide legal  
19 23 assistance to resolve civil rights complaints.  
19 24 Sec. 16. IOWA COMMUNICATIONS NETWORK. It is the intent of  
19 25 the general assembly that the executive branch agencies  
19 26 receiving an appropriation in this Act utilize the Iowa  
19 27 communications network or other electronic communications in  
19 28 lieu of traveling for the fiscal year addressed by the  
19 29 appropriations.  
19 30 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
19 31 DIVISION. There is appropriated from the wireless E911  
19 32 emergency communications fund created in section 34A.7A to the  
19 33 administrator of the homeland security and emergency  
19 34 management division of the department of public defense for  
19 35 the fiscal year beginning July 1, 2009, and ending June 30,  
20 1 2010, an amount not exceeding \$200,000 to be used for  
20 2 implementation, support, and maintenance of the functions of  
20 3 the administrator and program manager under chapter 34A and to  
20 4 employ the auditor of the state to perform an annual audit of  
20 5 the wireless E911 emergency communications fund.  
20 6 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.  
20 7 Notwithstanding section 80B.11B, the Iowa law enforcement  
20 8 academy may charge more than one-half the cost of providing  
20 9 the basic training course if a majority of the Iowa law  
20 10 enforcement academy council authorizes charging more than one=  
20 11 half of the cost of providing basic training. This section is  
20 12 repealed on June 30, 2010.  
20 13 Sec. 19. INTERIM REPORTING == IMPLEMENTATION. The board  
20 14 of parole shall develop and implement the certificate of  
20 15 employability program as provided in section 906.19. The  
20 16 board shall file an interim status report regarding the  
20 17 certificate of employability program development with the  
20 18 general assembly and the legislative services agency by  
20 19 January 1, 2010.  
20 20 Sec. 20. CONSUMER EDUCATION AND LITIGATION FUND.  
20 21 Notwithstanding section 714.16C, for each fiscal year of the  
20 22 period beginning July 1, 2008, and ending June 30, 2011, the  
20 23 annual appropriations in section 714.16C, are increased from  
20 24 \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000  
20 25 respectively. Moneys appropriated from the consumer education  
20 26 and litigation fund may be allocated for cash flow purposes to  
20 27 the victim compensation fund established in section 915.94  
20 28 during each of the fiscal years enumerated, provided that any  
20 29 moneys so allocated are returned to the consumer education and  
20 30 litigation fund by the end of each fiscal year an allocation  
20 31 occurs.  
20 32 Sec. 21. SUPERVISOR AND EMPLOYEE RATIO. The department of  
20 33 administrative services and the executive branch agencies

20 34 receiving appropriations in this Act shall pursue a goal of  
20 35 achieving a ratio of fourteen employees per supervisor in such  
21 1 agencies, by December 31, 2009.

21 2 Sec. 22. Section 13B.4, subsection 2, Code 2009, is  
21 3 amended to read as follows:

21 4 2. The state public defender shall file a notice with the  
21 5 clerk of the district court in each county served by a public  
21 6 defender designating which public defender office shall  
21 7 receive notice of appointment of cases. The state public  
21 8 defender may also ~~designate enter into a contract with a~~  
21 9 ~~nonprofit organization which has a contract with the state~~  
~~21 10 public defender to or an attorney, designating that the~~  
~~21 11 nonprofit organization or attorney provide legal services to~~  
21 12 eligible indigent persons as the state public defender's  
21 13 designee. In each county in which the state public defender  
21 14 files a designation, the state public defender's designee  
21 15 shall be appointed by the court to represent all eligible  
21 16 persons or to serve as guardian ad litem for eligible children  
21 17 in juvenile court in all cases and proceedings specified in  
21 18 the designation. The appointment shall not be made if the  
21 19 state public defender or the state public defender's designee  
21 20 notifies the court that the state public defender's designee  
21 21 will not provide services in certain cases as identified in  
21 22 the designation by the state public defender.

21 23 Sec. 23. Section 13B.4, subsection 4, paragraph c,  
21 24 subparagraph (2), subparagraph division (d), Code 2009, is  
21 25 amended to read as follows:

21 26 (d) If the claimant was appointed contrary to section  
21 27 814.11 or 815.10, or the claimant failed to comply with  
21 28 section 814.11, subsection 6, or section 815.10, subsection 5.

21 29 Sec. 24. Section 216.15, subsection 3, paragraph a, Code  
21 30 2009, is amended to read as follows:

21 31 a. After the filing of a verified complaint, a true copy  
21 32 shall be served within twenty days on the person against whom  
21 33 the complaint is filed, except as provided in subsection 3A.  
~~21 34 if the first named respondent on a complaint is not a~~  
~~21 35 governmental entity, service of a true copy on the respondent~~  
~~22 1 shall be by certified mail.~~ An authorized member of the  
22 2 commission staff shall make a prompt investigation and shall  
22 3 issue a recommendation to an administrative law judge employed  
22 4 either by the commission or by the division of administrative  
22 5 hearings created by section 10A.801, who shall then issue a  
22 6 determination of probable cause or no probable cause.

22 7 Sec. 25. Section 216.15, Code 2009, is amended by adding  
22 8 the following new subsection:

22 9 NEW SUBSECTION. 3A. a. The commission may permit service  
22 10 of a complaint on a respondent by regular or electronic mail.  
22 11 If the respondent does not respond to the service by regular  
22 12 or electronic mail after ninety days, the commission shall  
22 13 serve the complaint on the respondent by certified mail within  
22 14 twenty days after the expiration of the ninety-day response  
22 15 period to service by regular or electronic mail.

22 16 b. The commission may also permit a party to file a  
22 17 response to a complaint, a document, information, or other  
22 18 material, by electronic mail.

22 19 c. The commission may issue a notice, determination,  
22 20 order, subpoena, request, correspondence, or any other  
22 21 document issued by the commission, by electronic mail.

22 22 Sec. 26. NEW SECTION. 216.21 DOCUMENTS TO ATTORNEY OR  
22 23 PARTY.

22 24 If a party is represented by an attorney during the  
22 25 proceedings of the commission, with permission of the attorney  
22 26 for the party or of the party, the commission shall provide  
22 27 copies of all relevant documents including an order or  
22 28 decision to either the attorney for the party or the party,  
22 29 but not to both.

22 30 Sec. 27. Section 904.315, unnumbered paragraph 2, Code  
22 31 2009, is amended to read as follows:

22 32 A contract is not required for improvements at a state  
22 33 institution where the labor of inmates is to be used if the  
22 34 contract is not for a construction, reconstruction,  
22 35 demolition, or repair project or improvement with an estimated  
23 1 cost in excess of ~~twenty-five~~ fifty thousand dollars.

23 2 Sec. 28. Section 915.86, subsection 1, Code 2009, is  
23 3 amended by adding the following new paragraphs:

23 4 NEW PARAGRAPH. a. The department shall establish the  
23 5 rates at which it will pay charges for medical care.

23 6 NEW PARAGRAPH. b. If the department awards compensation,  
23 7 in full, at the established rate for medical care, and the  
23 8 medical provider accepts the payment, the medical provider  
23 9 shall hold harmless the victim for any amount not collected

23 10 that is more than the rate established by the department.

23 11 Sec. 29. EFFECTIVE DATE. The section of this Act  
23 12 increasing appropriations pursuant to section 714.16C, being  
23 13 deemed of immediate importance, takes effect upon enactment  
23 14 and applies retroactively to April 1, 2009.

23 15 EXPLANATION

23 16 This bill makes appropriations from the general fund of the  
23 17 state for fiscal year 2009=2010 to the departments of justice,  
23 18 corrections, public defense, and public safety, and the Iowa  
23 19 law enforcement academy, office of consumer advocate, office  
23 20 of the state public defender, board of parole, and Iowa state  
23 21 civil rights commission.

23 22 The bill allows the department of justice to transfer  
23 23 moneys from the victim compensation fund to the victim  
23 24 assistance grant program.

23 25 The bill permits the department of justice to establish the  
23 26 rates at which the department awards compensation for medical  
23 27 care expenses from the victim compensation fund. Under the  
23 28 bill, if the department of justice awards compensation, in  
23 29 full, and the medical provider accepts the payment, the  
23 30 medical care provider shall hold harmless the victim for any  
23 31 amount not collected that is more than the rate established by  
23 32 the department.

23 33 For the fiscal period beginning July 1, 2008, and ending  
23 34 June 30, 2011, the bill increases the annual appropriations  
23 35 from the consumer education and litigation fund in Code  
24 1 section 714.16C, to the department of justice. The bill  
24 2 permits the moneys appropriated from the consumer education  
24 3 and litigation fund to be allocated to the victim compensation  
24 4 fund for cash flow purposes, if the moneys so allocated are  
24 5 returned to the consumer and education litigation fund by the  
24 6 end of each fiscal year an allocation occurs. The provision  
24 7 takes effect upon enactment and applies retroactively to April  
24 8 1, 2009.

24 9 The bill requires the department of justice to cooperate  
24 10 with the auditor of state in preparing a report detailing  
24 11 reimbursement moneys received by the department for services  
24 12 performed on behalf of state agencies.

24 13 The bill requires the department of corrections to operate  
24 14 the John Bennett facility either as an institution of the  
24 15 department or a community-based correctional facility.

24 16 The bill eliminates the chief security officer position  
24 17 within the department of corrections by June 30, 2011.

24 18 The bill requires the department of corrections to study  
24 19 the use of paramedics at correctional institutions, and file a  
24 20 report with the ranking members of the joint appropriations  
24 21 subcommittee on the justice system and the legislative  
24 22 services agency, detailing the study by January 15, 2010.

24 23 The bill requires the department of corrections to  
24 24 implement a centralized pharmacy during the fiscal year  
24 25 beginning July 1, 2009.

24 26 Under the bill, a contract is not required for improvements  
24 27 at a state institution where the labor of inmates is used and  
24 28 the estimated cost of the improvement does not exceed \$50,000.  
24 29 Currently, an improvement using inmate labor shall not exceed  
24 30 \$25,000.

24 31 The bill provides that the department of corrections may  
24 32 reallocate appropriated funds between the institutions of the  
24 33 department of corrections, the department's administration,  
24 34 and the judicial district departments of correctional  
24 35 services. The bill provides the department, prior to the  
25 1 effective date of any reallocation, must provide notice to the  
25 2 department of management, the legislative services agency, and  
25 3 the district board of any judicial district department of  
25 4 correctional services affected by the reallocation.

25 5 The bill provides that as a condition of receiving an  
25 6 appropriation, the fifth judicial district department of  
25 7 correctional services shall reinstate 67 beds in buildings 65  
25 8 and 66 at the Fort Des Moines facility, in addition to  
25 9 maintaining the 199 beds in buildings 68 and 70 at the Fort  
25 10 Des Moines facility.

25 11 The bill amends Code section 13B.4 to allow the state  
25 12 public defender to enter into a contract with an attorney  
25 13 designating that the attorney provide legal services to  
25 14 eligible indigent persons as the state public defender's  
25 15 designee. Under the bill, if the state public defender files  
25 16 such a designation in a county, the attorney shall be  
25 17 appointed by the court to represent all eligible indigent  
25 18 persons in all cases specified in the designation. Currently,  
25 19 only a nonprofit organization is allowed to act as the state  
25 20 public defender's designee in a county where such a

25 21 designation exists.

25 22 The bill also amends Code section 13B.4 to specify that the  
25 23 state public defender may deny a claim for indigent defense  
25 24 fees and expenses if the attorney was appointed contrary to  
25 25 the provisions of Code section 815.10. The bill also  
25 26 specifies that the state public defender may deny a claim for  
25 27 indigent defense fees and expenses if the appointment of the  
25 28 attorney is not on a rotational basis, considering the  
25 29 experience of the attorney and the difficulty of the case.

25 30 The bill addresses Code section 80B.11B to provide that for  
25 31 FY 2009=2010 the Iowa law enforcement academy may charge a  
25 32 department of the state, a member of a police force, or any  
25 33 political subdivision of the state more than one-half of the  
25 34 cost to provide the basic training course for a law  
25 35 enforcement officer, provided a majority of the Iowa law  
26 1 enforcement council approves such a charge. Current law  
26 2 prohibits the Iowa law enforcement academy from charging more  
26 3 than one-half of the cost of providing the basic training  
26 4 course.

26 5 The bill also appropriates moneys, not to exceed \$200,000,  
26 6 from the wireless E911 emergency communications fund to the  
26 7 homeland security and emergency management division for  
26 8 implementation, support, and maintenance of the functions of  
26 9 the administrator and program manager of the E911 emergency  
26 10 system.

26 11 The bill provides that the department of public safety may  
26 12 reallocate the funds appropriated to the department between  
26 13 the divisions of the department. The bill provides that the  
26 14 department, prior to the effective date of any reallocation,  
26 15 must provide notice of the reallocation to the department of  
26 16 management and the legislative services agency.

26 17 The bill amends Code section 216.15 to permit, but not  
26 18 require, the Iowa state civil rights commission to serve a  
26 19 complaint on a respondent by regular or electronic mail. If  
26 20 the respondent does not respond to the service by regular or  
26 21 electronic mail within 90 days of the mailing, the bill  
26 22 requires the commission to serve the complaint on the  
26 23 respondent by certified mail within 20 days of the expiration  
26 24 of the 90-day response period to service by regular or  
26 25 electronic mail. Currently, a complaint is required to be  
26 26 served on the respondent within 20 days of being filed by  
26 27 certified mail.

26 28 The bill also amends Code section 216.15 to permit the Iowa  
26 29 state civil rights commission to issue a notice,  
26 30 determination, order, subpoena, request, correspondence, or  
26 31 any other document issued by the commission, by electronic  
26 32 mail.

26 33 The bill amends Code section 216.15 to permit the Iowa  
26 34 state civil rights commission to permit a party to a complaint  
26 35 to file a response, a document, information, or other material  
27 1 by electronic mail.

27 2 New Code section 216.21 permits the Iowa state civil rights  
27 3 commission to mail certain documents to a party to a complaint  
27 4 or the attorney for the party, but not to both.

27 5 LSB 1005SV 83  
27 6 jm/jp/24